

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MAY 9, 2005  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:06 p.m. Mayor Murphy recessed the meeting at 2:56 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:05 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:58 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:12 p.m. with Deputy Mayor Zucchet, Council Member Maienschein, and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 6:33 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:39 p.m. with Council Member Inzunza not present. The meeting was adjourned by Mayor Murphy at 8:05 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Maland (gs)

FILE LOCATION:                      MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Chuck Abdelnour, City Clerk for the City of San Diego.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES



ITEM-30: Tourism Week.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1101) ADOPTED AS RESOLUTION R-300395

Recognizing the importance of the visitor industry to San Diego's economy and quality of life;

Proclaiming May 8-14, 2005, to be "Tourism Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:17 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-31: Water Awareness Month.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1123) ADOPTED AS RESOLUTION R-300396

Supporting the exemplary efforts of the Water Department;

Proclaiming the month of May to be "Water Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:41 p.m.)

MOTION BY FRYE TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-32: Reserve Captain Ray Webb Day.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-900 Cor. Copy) ADOPTED AS RESOLUTION R-300397

Acknowledging and applauding the special contributions and commitment of Ray Webb;

Proclaiming May 9, 2005, to be "Reserve Captain Ray Webb Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:41 p.m. – 2:47 p.m.)

MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *Border Business Park v. City of San Diego***

Appellate Case No. D039225; SDSC Case No. GIC 692794

***Otay Acquisitions v. City of San Diego***

SDSC Case No. GIC 753247

***National Enterprises, Inc. v. City of San Diego***

SDSC Case Nos. GIC 791407; GIC 805465

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

ACA Assigned: Leslie J. Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:51 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

**CS-2 *DMIG v. City***

San Diego Superior Court No. GIC 837823

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

DCA Assigned: Claudia Silva

This case involves a complaint for inverse condemnation based on the alleged use of Plaintiff's property for the SR-56 / Camino Del Sur eastbound off ramp and westbound on ramp, located in Torrey Highlands. In closed session, the City Attorney will update the City Council on the status of the litigation and seek appropriate direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

**CS-3 *De Anza Cove Homeowners Association, Inc. v. City of San Diego***

San Diego Superior Court Case No. GIC 821191

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

CDCA Assigned: Michael McGuinness

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City Attorney will request additional funding for the retention of the outside counsel, report on the status of the litigation, and other matters affecting the litigation.

Closed Session Comment 1:

Jarvis Ross stated that he took a tour of De Anza Cove and was appalled at how the residents were being treated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:53 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

**Conference with Legal Counsel – anticipated litigation, pursuant to California Government Code section 54956.9(b):**

**CS-4 *Furgatch v. San Diego Unified Port District, et al.***  
San Diego Superior Court No. GIC 744288

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

ACA Assigned: Leslie J. Girard

This case concerns the Purchase and Sale Agreement between the City and Port District for the parking lot commonly known as Tailgate Park, near Petco Park. In closed session the City Attorney will advise the Mayor and City Council on the status of the case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

**CS-5 *Pyatt v. City of San Diego and Nettleton v. City of San Diego***

Claim numbers: LP05-0534-2006 and LP05-0534-2049

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

DCA Assigned: Claudia Silva

This litigation concerns two properties damaged in the February 2005 rains. In closed session the City Attorney and Risk Management will update the City Council on the status of the matters and seek further direction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

**Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:**

**CS-6 Property: City-owned property located at 3889 Midway Drive consisting of approximately 8.36 acres and improved under a 55-year ground lease with a 255-unit apartment complex known as Stonewood Garden Apartments (APN 760-102-67)**

Agency Negotiator: William T. Griffith, Real Estate Assets Director

Negotiating Parties: Lessee, MG Stonewood Garden Apartments, L.P.

Under Negotiation: Seeking direction pertaining to an unsolicited proposal from MG Apartments for the purchase of the fee property and a condominium conversion of the existing apartment units.

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

DCA Assigned: Elisa Cusato

This matter involves an unsolicited proposal from MG Apartments to buy out the City's interest in the property. City staff will be seeking direction on whether to negotiate a purchase agreement and, if so, on what terms. If authorized to proceed, and negotiations are successful, City staff will submit the proposed purchase agreement for Council approval.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

**CS-7      Property:                      Tailgate Park**

Agency Negotiator: Leslie J. Girard, Assistant City Attorney

Negotiating Parties: City of San Diego and San Diego Unified Port District

Under Negotiation: Status of satisfaction of all conditions necessary to complete transfer of Tailgate Park to the Port District

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

ACA Assigned: Girard

This matter concerns the parking lot commonly known as Tailgate Park near Petco Park. The City and the Port District entered into a Purchase and Sale Agreement whereby the Port would purchase Tailgate Park from the City. In closed session, the City Attorney will report on the status of the transaction and seek direction with respect to satisfaction of the terms of the Agreement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:53 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-8 Agency Negotiators: Lamont Ewell, Bruce Herring, Mike McGhee**

Employee Organizations: Municipal Employees Association, Local 127  
AFSME, AFL-CIO, Local 145 International Association of  
Firefighters AFL-CIO, San Diego Police Officers  
Association, The Deputy City Attorneys Association of San  
Diego

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 9, 2005**

DCA Assigned: Chris Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:53 p.m. – 2:55 p.m.)

**Mayor Murphy closed the hearing.**

- \* ITEM-100: Grant Funds from the State Victim Compensation and Government Claims Board for the Criminal Restitution Compact Restitution Specialist Position in the City Attorney's Office, Criminal Division.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1110) ADOPTED AS RESOLUTION R-300398

Authorizing the City Attorney to apply for, accept, and expend a \$146,720.40 grant from the State Victim Compensation and Government Claims Board (State Agency), to fund the Criminal Restitution Compact Restitution Specialist position in the City Attorney's Office, Criminal Division, for the two-year period of July 1, 2005, through June 30, 2007, under the terms and conditions outlined in the Standard Agreement Number BOC-4073 between the State Agency and the City Attorney's Office;

Agreeing to hold the State Agency of the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifies that the City will not use the grant to supplant local expenditures.

**SUPPORTING INFORMATION:**

The City Attorney has been notified by the State Victim Compensation and Government Claims Board that the City has been awarded a contract in an amount not to exceed \$146,720.40 for a Legal Assistant to perform the duties outlined in the City Attorney Contract. This contract is for two years covering the period of July 1, 2005 through June 30, 2007.

The agreement between the State Victim Compensation and Government Claims Board and the City Attorney's Office for the purpose of working with the city criminal justice system to ensure restitution fines and orders are properly administered in accordance with applicable statutes began in Fiscal Year 1998. The Fiscal Year 2005 contract was authorized and accepted by the City Council on May 10, 2004 by Resolution No. R-299188.

Linley

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Additional Funds for North Park Pershing Portal Project.

(Greater North Park Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1120)            ADOPTED AS RESOLUTION R-300399

Authorizing the City Auditor and Comptroller to transfer \$12,516 from CIP-52-696.0, Redwood/Pershing Drive Improvement, to CIP-39-226.0, Pershing Portal, within Fund 30300, TransNet;

Authorizing the City Auditor and Comptroller to expend \$12,516 from CIP-39-226.0, Pershing Portal, Fund 30300, TransNet, for the purpose of project construction and closeout, contingent upon the City Auditor and Comptroller certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The North Park Pershing Portal Project (NP4) is a traffic safety, beautification, and historic monument project that will serve as a major entry portal into one of San Diego's oldest neighborhoods. It will replace the temporary barriers currently in place at the end of 28th Street with permanent improvements. It addresses community wide concerns about pedestrian safety, encourages neighborhood enhancements, which lead to more livable communities, links schoolchildren to available green spaces, and promotes the understanding and appreciation of the unique historic character of the neighborhood through the establishment of a key marker.

The Redwood/Pershing Drive Improvement Project, which is located within Council District Three, has been postponed due to recent operational changes, which have helped traffic problems in the area. Excess budgeted funds from this project are available for the North Park Pershing Portal Project.

**FISCAL IMPACT:**

The total cost for Pershing Portal Project is \$247,516. Of this amount, \$235,000 was previously authorized. This action will provide the remaining funds \$12,516 necessary for the final change order and project closeout.

Mendes/Boekamp/DZ

Aud. Cert. 2500908.

Staff: Dave Zoumouras – (619) 533-3138  
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Annual Review of North City West Carmel Valley School Facilities Master Plan Fiscal Year 2003-2004.

(See City Manager Report CMR-05-098. Carmel Valley Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1044) ADOPTED AS RESOLUTION R-300400

Accepting the annual review of the Fiscal Year 2003-2004 North City West (Carmel Valley) School Facilities Master Plan.

Staff: Gary Hess – (619) 533-3678  
David E. Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-103: Agreement for Professional Design Services with Nowell and Associates Landscape Architecture for Home Avenue Neighborhood Park.

(Mid-City/City Heights Community Area. District 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1020) ADOPTED AS RESOLUTION R-300401

Authorizing the City Manager to execute an agreement with Nowell and Associates Landscape Architecture, for professional design services for CIP-29-895.0, Home Avenue Neighborhood Park, in the amount of \$261,889, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$261,889 from CIP-29-865.0, Home Avenue Neighborhood Park, for the purpose of professional services for the development of Home Avenue Park.

**CITY MANAGER SUPPORTING INFORMATION:**

Home Avenue Park is located on the east side of Home Avenue, near the intersection with 47<sup>th</sup> Street, in the Mid-City area. The proposed park is adjacent to Chollas Creek and the six-acre site will provide approximately two-acres of passive use parkland. The Mid-City Community is park deficient based on General Plan Standards and this project will provide much needed park land. It is envisioned that this site will serve communities in Council Districts 3, 4, and 7. Its design and construction will also enhance a portion of Chollas Creek.

The proposed consultant was selected in accordance with Council Policy 300-7. In August, 2004, four (4) consultant firms were certified from the As-Needed list for landscape architectural services by the consultant Selection Coordinator and were interviewed by the Park Planning and Development Division. The interview panel was comprised of representatives from Park Planning and Development, Community Parks II, and the Planning Department. The Deputy Director of Park Planning and Development received recommendations from the interview panel and selected Nowell & Associates, Landscape Architecture as the consultant for this project. Nowell & Associates will be responsible for community outreach, General Development Plan, environmental studies and construction documents.

**FISCAL IMPACT:**

Funds in the amount of \$261,889 are available from CIP-29-865.0, Home Avenue Park, Fund 39094, Mid-City Special Park Fees. Funding for construction has not been identified. Funding for maintenance will be requested when park is constructed.

Herring/Oppenheim/AP

Aud. Cert. 2500918.

Staff: April Penner – (619) 525-8223  
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-104: First Amendment to Consultant Agreement between the City of San Diego and TY Lin International for Rose Creek Bike Path and Pedestrian Bridge Project.

(Pacific Beach Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-996)                      ADOPTED AS RESOLUTION R-300402

Authorizing the City Manager to execute a First Amendment to the Agreement with TY Lin International, for the completion of design of the Rose Creek Bike Path and Pedestrian Bridge, under the terms and conditions set forth in the First Amendment to Agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$330,533 from CIP-58-147.0, Rose Creek Bike Path and Pedestrian Bridge Project as follows: \$100,000 from Fund 30300, TransNet Funds, and \$230,533 from Fund 30301, TransNet Bikeway Funds, for the purpose of providing funds for the aforementioned First Amendment to Agreement, contingent upon the City Auditor and Comptroller certifying that the funds are necessary for such expenditure on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This project proposes a 280 foot long pedestrian and bicycle bridge across Rose Creek in Mission Bay Park, as well as completion of pedestrian and Class I bicycle trails leading to the bridge. The proposed project location is within the planning area of the Mission Bay Park Master Plan. The project would extend the existing Mission Bay bike trail between Campland and Mission Bay High School to North Mission Bay Drive and would connect with the planned bicycle/pedestrian trail system designated in both the Mission Bay Park Master Plan and the Pacific Beach Community Plan. The proposed bridge would have a clear width of 14 feet and would allow use by bicyclists and pedestrians. Additionally, the proposed bridge, in accordance with the Mission Bay Park Master Plan, would accommodate maintenance and emergency equipment.

Seven design consultants for the design of the Rose Creek Bike Path and Pedestrian Bridge Project, were interviewed on October 25, 2000, in accordance with AR-25.60 and Council Policy 300-7. TY Lin International was selected for the preparation of the project's construction documents.

The project design was broken down into two phases. Under Phase I, TY Lin International would conduct Preliminary Engineering to identify the best alternative and secure environmental clearance. Under Phase II, TY Lin International would complete the Design of the best alternative identified in Phase I with the preparation of construction plans and specifications.

An Agreement for the Phase I design services with TY Lin International was approved by City Manager Action on January 8, 2002 (C-11247). This phase was completed with the identification of the best project alternative and the certification of the environmental documents on March 23, 2004 (R-298989).

With the identification of the best project alternative, this action provides for the completion of design under a design agreement amendment with TY Lin International. The original Agreement to complete the design of Phase I, was for a cost of \$246,889 and this First Amendment, to proceed with Phase II, is for \$330,533, for a total consultant design cost of \$577,422.

The design of this project is 100% funded by grant sources (Transportation Development Act/Local Transportation Funds) specifically allocated for exclusive pedestrian/bicycle path usage.

**FISCAL IMPACT:**

Funds are available for this action in CIP-58-147.0, Rose Creek Bike Path and Pedestrian Bridge Project.

Mendes/Boekamp/DZ

Aud. Cert. 2500935.

Staff: Dave Zoumouras – (619) 533-3138  
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-105: Hazardous Materials Emergency Response Agreement with Unified San Diego County Emergency Services Organizations.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1090)            ADOPTED AS RESOLUTION R-300403

Authorizing the City Manager to enter into agreement with the Unified San Diego County Emergency Services Organizations, to continue San Diego Fire-Rescue Department's participation in the Hazardous Materials Incident Response Team, from July 1, 2005 through June 30, 2007, and as more particularly described in the agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The Hazardous Materials Incident Response Team (HIRT) was established by the San Diego County Emergency Services Organization in 1986. San Diego Fire-Rescue Department participates in this program by providing member agencies with its Hazardous Materials Response Team in response to incidents involving hazardous materials. An agreement between the City of San Diego and the Unified San Diego County Emergency Services Organization was signed in June, 1993, and amended in 1995, 1997, 1999, and 2003. San Diego Fire-Rescue and the Unified San Diego County Emergency Services Organization propose an amendment to the existing agreement (Unified Contract #03-001-HM). This amendment extends the contract through June 30, 2007, and adjusts the annual payment to the City of San Diego at \$765,902.

**FISCAL IMPACT:**

The Unified San Diego County Emergency Services Organization will provide the City of San Diego with an annual sum of \$765,902, via the City of San Diego invoicing process. Payments will be applied to Fire-Rescue General Fund Revenue Account No. 77353.

Ewell/JB/FW

Staff: Monica Morgan – (619) 533-4304  
Joseph Sanchez – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



\* ITEM-106: Appointment and Reappointments to the Board of Building Appeals and Advisors.

(See memorandum from Mayor Murphy dated 4/13/2005, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1103) ADOPTED AS RESOLUTION R-300404

Council confirmation of the following reappointments and appointment by the Mayor of the City of San Diego, to serve as members of the Board of Building Appeals and Advisors, in categories and terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
James Arnold (Rancho Penasquitos, District 1) (Reappointment)	Disabled Community Representative	March 7, 2007
Cameron D. Duncan (Bay Park, District 2) (Reappointment)	Structural Engineer	March 1, 2007
Tony Kan (El Cajon) (Reappointment)	Electrical Engineer	March 1, 2007

John Littrell  
(Point Loma, District 2)  
(Reappointment)

Mechanical Electrical  
Engineer

March 1, 2007

Eric G. Stenman  
(Scripps Ranch, District 5)  
(Replacing Michael Furby,  
whose term expired)

At Large

March 1, 2007

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Tony Kan is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Reappointments to the Sustainable Energy Advisory Board.

(See memorandum from Mayor Murphy dated 4/22/2005, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1129) ADOPTED AS RESOLUTION R-300405

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Sustainable Energy Advisory Board, for terms ending March 1, 2007:

**NAME**

**CATEGORY**

Dan Perkins  
(Encinitas)

Environmental Advocate

Vic A. Ryder  
(La Mesa)

Undesignated

Michael E. Turk  
(Pacific Beach, District 2)

Building Industry

Scott B. Whitley  
(Rancho Bernardo, District 5)

Solar Power System Manufacturer/Installer

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Building Safety Week.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1131) ADOPTED AS RESOLUTION R-300406

Proclaiming May 8 – 14, 2005, to be “Building Safety Week” and urging all citizens to participate in Building Safety Week activities to help promote building safety, to create awareness as to the importance of construction and building codes, and to spotlight the role of the dedicated code official in administering those codes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-109: National Association of Letter Carriers Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1124) ADOPTED AS RESOLUTION R-300407

Commending and thanking the letter carriers and volunteers who annually participate in making the food drive so successful;

Proclaiming May 14, 2005, to be "National Association of Letter Carriers Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: Asthma Awareness Month.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1109) ADOPTED AS RESOLUTION R-300408

Encouraging all Americans to identify and reduce their exposure to environmental triggers in the home and school and incorporate environmental controls into their asthma management plans;

Proclaiming May 2005, to be “Asthma Awareness Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-111: Clairemont Mesa Banner Program.

(Clairemont Mesa Community Area. District 6.)

**COUNCILMEMBER FRYE’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1100) ADOPTED AS RESOLUTION R-300409

Declaring in accordance with San Diego Municipal Code Section 142.1210, banners may be installed at the following locations: intersection of Balboa Avenue and Clairemont Drive, intersection of Balboa Avenue and Genesee Avenue, intersection of Clairemont Drive and Burgener Boulevard, intersection of Clairemont Drive and Rappahannock Avenue, Balboa Avenue at Interstate 805, Clairemont Mesa Boulevard at Interstate 805, Genesee Avenue at State Highway 52, and Clairemont Mesa Boulevard at, or within one hundred feet of, the entrance to Marian Bear Memorial Park;

Declaring the Greater Clairemont Chamber of Commerce or a business improvement district (BID), if one is created, will fund and manage the banners;

Declaring the banners shall be installed in accordance with the following:

- a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
- b. The total area of logos and trademarks shall be limited to five percent of the banner area.
- c. The banners shall be displayed for no more than 30 calendar days, with one 30-calendar-day extension.
- d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- e. The banners have received all necessary permits to locate in the public right-of-way.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval – 4218 Van Dyke Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4218 Van Dyke Avenue” (T.M. No. 45977/PTS No. 56121), located northwesterly of Orange Avenue and Van Dyke Avenue in the Mid-City: City Heights

Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



[ITEM-S400:](#) National Public Works Week.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1126)                      ADOPTED AS RESOLUTION R-300410

Proclaiming the week of May 15 – 21, 2005, to be “National Public Works Week” in the City of San Diego in recognition of public works professionals for their service and contribution to our great City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:47 p.m. – 2:51 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-S401: Dr. Roger Cornell Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1127) ADOPTED AS RESOLUTION R-300411

Commending Dr. Roger Cornell for his longstanding commitment to and support of visual and performing artists and the visual and performing arts in the San Diego region, and congratulating him on his receipt of the San Diego Art Institute's Visual Arts "Ginger" Award;

Proclaiming April 30, 2005, to be "Dr. Roger Cornell Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:10 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 8:05 p.m. in honor of the memory of:

Bertrand H. Wilbur as requested by Council Member Maienschein; and  
Eloisa A. Campa as requested by Council Member Inzunza.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 8:02 p.m. – 8:05 p.m.)